

**REMARKS**

**STATUS OF THE CLAIMS**

In the August 6, 2008 Office Action, the Examiner notes that claims 1 and 3-10 were pending in the application; rejects claims 1 and 3-10; and objects to claims 1, 3, 6, 8, and 10. Claims 1, 3-6, 8 and 10 are amended herein. Thus, claims 1 and 3-10 remain pending for reconsideration which is respectfully requested. No new matter is believed to be added.

**CLAIM OBJECTIONS**

On page 3 of the Office Action, items 5 and 6, claims 1, 3, 6, 8 and 10 are objected to for having informalities. Claims 1, 3, 6, 8 and 10 are amended to correct informalities and Applicant respectfully requests the objections be withdrawn.

**REJECTION OF CLAIM 10 UNDER 35 U.S.C. § 112, FIRST PARAGRAPH**

On page 3 of the Office Action, item 7, claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Claim 10 is amended and Applicant respectfully requests the rejection be withdrawn.

**REJECTION OF CLAIMS 1 AND 3-10 UNDER 35 U.S.C. 112, SECOND PARAGRAPH**

On page 4 of the Office Action, item 8, claims 1 and 3-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims have been amended to recite "a list storing unit" and thus the Applicant requests the rejection be withdrawn.

On page 4 of the Office Action, item 9, claims 3 and 10 are rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims have been amended to recite "information relating to original data" and thus Applicant requests the rejection be withdrawn.

On page 5 of the Office Action, item 10, claims 3 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims have been amended to recite "the alteration checking unit" and thus Applicant requests the rejection be withdrawn.

On page 5 of the Office Action, item 11, claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims have been amended to recite "the alteration checking unit" and thus Applicant requests the rejection be withdrawn.

#### **REJECTION OF CLAIM 3 UNDER 35 U.S.C. 103(a)**

On page 6 of the Office Action, item 12, claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gunderson (U.S. Patent No. 6,073,220) in view of Fisher et al. (U.S. Patent No. 5,943,688). This rejection is respectfully traversed below.

The Office Action on page 6, item 12, admits that Gunderson fails to teach a list storing unit relating to successfully copied data. However, the Office Action asserts that Fisher, in column 5, lines 56-60 and column 7, lines 51-54, teaches adding information in a list storing unit to information relating to original data that have been copied successfully as the back-up data and relating to original data that are decided to be not altered and that it would have been obvious to a person skilled in the art at the time of the invention to combine Gunderson and Fisher. However, while Fisher discusses backing up a database and column 7, lines 51-54 discuss adding an entry 48 or updating an existing entry 48 to a database 40 when a data file 80 is successfully written to a storage volume 60, nothing found in Fisher or cited in Fisher teaches "information indicating that **authenticity is assured to the original data copied by the back-up unit**" as recited in claim 3.

Claim 3, as amended, recites "a list storing unit that stores information relating to original data copied by the back-up unit, the information indicating that authenticity is assured to the original data copied by the back-up unit." Thus, claim 3 patentably distinguishes over Gunderson and Fisher, either alone or in combination, for reasons similar to those noted by the Examiner on page 7, item 14 of the Office Action. Favorable reconsideration is respectfully requested.

#### **ALLOWABLE SUBJECT MATTER**

On page 7 of the Office Action, items 13 and 14, claims 1 and 4-10 are allowed if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph discussed above. Claim 1 is amended to recite "**a list storing unit that stores information relating to the original data copied by the back-up unit, the information indicating that authenticity is assured to the original data copied by the back-up unit.**" Independent claims 6, 8 and 10 are amended similarly to overcome the rejection. Further, the dependent claims have been

amended to overcome the rejection. Thus it is respectfully submitted that claims 1 and 4-10 are still in condition for allowance.

**CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the Application is in condition for allowance. An early action to that effect is courteously solicited.

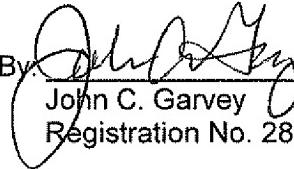
If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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